

Claims 15-19 and 23-27 stand rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,060,943 to Slayton et al. In addition, claims 20 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Slayton et al in view of U.S. Patent No. 6,488,626 to Lizzi et al. Claims 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Slayton et al in view of U.S. Patent No. 5,984,881 to Ishibashi et al. Finally, claim 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Slayton et al and Ishibashi et al in view of U.S. Patent No. 6,858,006 to MacCarter et al. Applicant will argue the inapplicability of these rejections to the amended claims.

Claim 15 recites, among other features, “an exchangeable member to be applied against the skin or mucous membrane at the site of treatment”. It is respectfully submitted that Slayton and none of the other cited documents disclose the use of an exchangeable member in an ultrasonic system as is recited in claim 15. The exchangeability of the member provides several advantages. First, it allows for sterilization of just a small part of the system before use or eliminates the need for use of irritating and potentially harmful washing and sterilizing agents prior to use of the system. These exchangeable members might be constructed either as disposables or for repeated use, but to be sterilized in a manner well known in the art prior to each use. This sterilization can be made well in advance and the sterilized member can be stored in a way similar to surgical equipment as known to those skilled in the art. Thus, it is respectfully submitted that independent claim 15 and dependent claims 16-22 are not anticipated by Slayton or obvious in view of the other cited patents for at least the reasons set forth above.

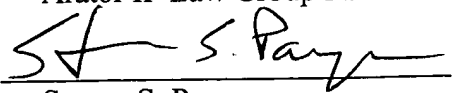
Claim 23 recites, among other features, “controlling the condition of the tissue in the target area by backscattered ultrasound between therapeutic ultrasound pulses”. It is respectfully submitted that Slayton and none of the other cited documents disclose that the condition of the tissue is controlled between the therapeutic pulses. It is in fact not specified in neither of the cited paragraphs that the therapeutic ultrasound waves are pulsed. In the abstract of Slayton, it is specified that “the imaging, therapeutic heating and temperature monitoring of the treatment region can be conducted substantially simultaneously.” This is in contrast to the method recited in claim 23 wherein the condition of the tissue is to be controlled between the therapeutic pulses rather than substantially simultaneously. By pulsing the therapeutic ultrasound rather than applying it constantly, the induced temperature increase becomes less dramatic and is easier to balance with cooling, and thereby the temperature gradient in the tissue becomes less steep and the conditions in the tissue more balanced. Thus, it is respectfully submitted that independent claim 23 and dependent claims 24-28 are not anticipated by Slayton or obvious in view of the other cited patents for at least the reasons set forth above.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Prompt notice of same is earnestly solicited. If the Examiner believes that a

telephone interview may expedite the prosecution of the Application, the Examiner is invited to contact the below attorney at the indicated telephone number.

Respectfully submitted,

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